

REMARKS

Claims 8-14 are pending in this application. By this Amendment, claims 8 and 13 are amended. No new matter is added.

The courtesies extended to Applicant's representative by Examiner Noguerola at the interview held February 18, 2009 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicant's record of the interview.

Applicant would like to thank the Examiner for indicating that claims 9, 12 and 14 contain allowable subject matter.

Claims 8, 10 and 13 were rejected under 35 U.S.C. §102(b) over Le Pesant, U.S. Patent No. 4,636,785. The rejection is respectfully traversed.

Claim 8 calls for a means for stabilizing that comprises at least one electrode arranged on only one part of a first wall of the microchannel, over the entire length thereof, and at least one counter-electrode arranged over the entire length of the microchannel, on at least one part of a second wall facing the electrode. As discussed during the personal interview, Applicant respectfully asserts that Le Pesant fails to teach or suggest these features for at least the following reasons.

Le Pesant describes a device for storing and displaying digital data by means of fluid markers. The fluid which constitutes the marker shares the volume of the capillary space with a second fluid which is not miscible with the first fluid in order to ensure durable splitting into two phase (col. 1, lines 12-15). The capillary space is delimited by two confinement plates.

In order to displace the globule f2 electrically in a predefined direction of the X axis, the internal faces of the plates 1 and 2 are provided in accordance with the invention with a pair of electrodes 5 and 6 (col. 3, lines 36-39).

As illustrated in Fig. 3, a second pair of electrodes 10 and 11 are placed next in succession to the pair of electrodes 5 and 6 in the direction of axis X (col. 5, lines 14-16). Electrodes 5 and 11 are respectively associated to counter-electrodes 6 and 10.

The device of Le Pesant is used to transfer the globule f2 from the electrode space 5, 6 to the interelectrode space 10, 11 (col. 5, lines 40-41).

Contrary to the Office Action's analysis, electrodes 5, 6, 10, and 11 could not be assimilated as a means for stabilizing the interface. These electrodes are a means for transferring globule f2 by acting on its interface 8. As stated by Le Pesant, the resultant electric polarization within the fluid f2 is larger than that of the fluid f1. Thus the modulus of the force F2 (...) exceeds the modulus of the force F1.

This produces on the interface 8 of the two fluids an overpressure P2 on a side of the globule and this overpressure results as if a motional force were applied to the interface. The fluid f2 drives back the fluid f1 in order to occupy that portion of the closest volume which is located between the electrodes 5 and 6 (col. 4, lines 27-42).

Le Pesant also states that suppression of the potential difference will allow a restoring force to remain so as to maintain the globule in the captive state within the interelectrode region. That is, the device discussed in Le Pesant will maintain the globules without any electric force being applied. See, for example, col. 2, lines 56-58 and col. 4, line 63 - col. 5, line 3.

Further, the electrodes in Le Pesant are not arranged over the entire length of the microchannel as called for in claim 8. During the personal interview, the Examiner made the following arguments. First, the Examiner stated that any subsection of Le Pesant's device, as shown in Fig. 3, could be considered a microchannel. Second, the Examiner argued that even if a microchannel is only interpreted as the entire opening within Le Pesant's device as

disclosed in Fig. 3, the fact that the electrodes do not extend over an entire dimension is not a patentably distinct difference.

Regarding the Examiner's first assertion, nothing in Le Pesant, nor the Office Action's rejection of the claims, suggests that one of ordinary skill in the art would interpret anything less than the entire space between plates 1 and 2 as a microchannel.

Regarding the Examiner's second assertion, clearly Le Pesant's electrodes do not extend over the entire length of a microchannel, as can be seen in Fig. 3. Thus, a rejection under 35 U.S.C. §102(b) is improper. Further, the Office Action fails to explain why it would have been obvious to extend the electrodes in Le Pesant over the entire length of a microchannel. Thus, a rejection under 35 U.S.C. §103(a) is also improper.

Claims 10 and 13 are patentable by reason of their dependency from independent claim 8, as well as for the additional features they recite.

It is respectfully requested that the rejection be withdrawn.

Claim 11 was rejected under 35 U.S.C. §103(a) over Le Pesant. The rejection is respectfully traversed.

As discussed above, Le Pesant fails to teach or suggest all of the features of independent claim 8. Thus, claim 11 is patentable by reason of its dependency from independent claim 8, as well as for the additional features it recites.

It is respectfully requested that the rejection be withdrawn.

Claims 8-14 were rejected under 35 U.S.C. §112, second paragraph. Claims 8 and 13 have been amended responsive to the rejection.

It is respectfully requested that the rejection be withdrawn.

Claim 8 was objected to for informalities. Claim 8 has been amended responsive to the objection.

It is respectfully requested that the objection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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